

1 Additionally, the Court finds no genuine issue of material fact remains with
2 regard to Plaintiff's claim of retaliation. In particular, Plaintiff has failed to
3 demonstrate any error in the calculation of his date for eligibility for parole. The
4 record before the Court further establishes that Plaintiff Roberts actually violated
5 SDCC Operational Procedures 801 thereby subjecting himself to the disciplinary
6 charges brought against him.

7 Finally, Plaintiff fails to oppose Defendants argument that they are
8 insulated from liability from all claims under the doctrine of qualified immunity.
9 Conceding this final point, Plaintiff consequently consents to the granting of
10 Defendants' Motion for Summary Judgment in its totality.

11 **IT IS THEREFORE ORDERED** that Defendants' Motion for Summary
12 Judgment (Doc. #15) is **GRANTED**, and the Clerk of Court shall forthwith enter
13 judgment in favor of Defendants and against Plaintiff Ken Roberts on all claims in
14 this case.

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16 DATED: December 29, 2010.

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20 PHILIP M. PRO
21 United States District Judge
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